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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,983	08/31/2000	David A. Gasper	9040.00	3081

7590 12/24/2003

Michael Chan
NCR Corporation
101 West Schantz ECD-2
Dayton, OH 45479-0001

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,983

Applicant(s)

GASPER ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna et al (US Patent No. 6,230,928).

As per claim 1, Hanna et al disclose an ATM banking method and system for dispensing bills and for performing other banking functions. See the abstract. The method comprises:

Identifying low-stocked ATMs, which require replenishment of currency (column 30, lines 14-39);

Causing replenishment of currency in low-stocked ATMs to occur (column 30, lines 14-39).

Hanna et al do not explicitly state "Receiving replenishment signals from the replenished ATMs and using the replenished signal, and without using communications from parties performing the replenishment, preparing one or more reports concerning the ATMs replenished".

However, Hanna et al disclose replenishing the ATMs and providing automatic reports of all transactions taken place at an ATM to remote computers or a service engineer without any communications from parties performing the replenishment. Note column 35, line 55 to column

36, line 65. Thus, the Examiner asserts that these functions would have been obvious to one of ordinary skill in the art in view of the teachings of Hanna et al because all types of transactions are reported to a remote computer. Since a type of transaction in the system of Hanna et al involves a replenishment of an ATM, preparing a report of such would have been obvious to one of ordinary skill in the art. The motivation would have been to record the time, the deposited replenishment amount, ATM ID, the identification of the operator performing the replenishment and other associated functions for inventory and funds tracking purposes.

As per claim 2, note column 30, lines 14-39 of Hanna et al.

As per claim 3, note column 30, lines 14-39 of Hanna et al.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna et al (US Patent No. 6,230,928) as applied to claim 1 above, and further in view of Ross (US Patent No. 5,945,602).

As per claim 4, the teachings of Hanna et al are discussed above. Hanna et al do not explicitly teach entry into an ATM by a burglar causes a replenishment to occur. Ross discloses a system for monitoring the operation of an automated teller machine. Note the abstract. Ross also discloses causing a replenishment signal to occur and replenishing the ATM. Note column 7, line 64 to column 8, line 26 of Ross. Ross further discloses detecting a low stock of currencies in the ATM and alerting the police or other bank personnel. Note column 7, line 64 to column 8, line 26 of Ross. It should also be noted that a theft in the ATM would have depleted the amount of notes or currencies in the ATM and would have resulted in having a low-stock level of notes causing in a generation of a low-stocked signal and providing a replenishment signal to occur. It

would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ross into Hanna et al in order to replenish the ATM even at the occurrence of a theft thus providing sufficient funds in the ATM after a theft has occurred in order to continue business operations with the ATM.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US Patent No. 5,945,602) in view of Hanna et al (US Patent No. 6,230,928).

As per claim 5, Ross discloses a system for managing the operation of a network of ATMs. See the abstract. The system comprises:

Maintaining a security system within an ATM which:

Detects entry into the ATM and issues an entry signal in response (see column 7, line 64 to column 8, line 26 of Ross).

Ross also discloses scheduling a replenishment of an ATM during a time period. Note column 7, line 63 to column 8, line 26.

The step of when entry signals are received from an ATM during the time period designating the corresponding ATMs as having been replenished in currency would have been obvious to one of ordinary skill in the art because replenishment of the ATM would have been made during that period of time. Moreover, such would have been obvious to one of ordinary skill in the art in order to provide a report acknowledging all viable information regarding all replenished ATM for reviewing, tracking and inventory purposes.

It should be noted that Ross does not explicitly teach having a group of ATM. However, it should be noted that although one ATM is shown, it is well known in the art that a bank usually possess a plurality of ATM's located at different locations.

Hanna et al teach having a group of ATMs and at least one ATM in the group to be scheduled for replenishment. See column 13, lines 35 to 67 and column 30, lines 14-39 of Hanna et al.

When a detection of replenishment is made at one of the ATMs, a low stocked-signal would have been sent to a remote location. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a scheduling for the replenishment of all these ATM's as taught by Hanna et al into the system of Ross in order to determine a priority of which machines to replenish and a best route to take.

4. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna et al (US Patent No. 6,230,928) in view of Ross (US Patent No. 5,945,602).

As per claims 6 and 8, Hanna et al disclose an automated banking method and apparatus. Note the abstract. The method comprises having a plurality of ATMs:

For each ATM, making an estimate of the amount of currency of stored therein, without measuring the currency presently stored;

Using the estimates, estimating a subset of ATMs to be re-stocked with currency;

For each ATM in the subset, preparing a packet of currency

Transferring the packets to a courier

Receiving one, or more, signals from each ATM, which indicate interaction with the ATM by a party other than a customer

As per the above noted features, applicant is directed to column 13, lines 35-67 and column 30, lines 14-39 of Hanna et al.

Hanna et al do not explicitly teach recording the times of receipt of the signals and the identities of the ATMs issuing the respective signals and ascertaining whether the signals were issued by an ATM within the subset and if not contacting a law enforcement agency.

Recording the times of receipt of the signals would have been obvious to the skilled artisan in the system of Hanna et al. since the signal is generated automatically in response to sensed data. Recording the times of receipt of the signals would have also been obvious to one of ordinary skill in the art at the time the invention was made in order to note the elapsed period without replenishment or usage of the associated ATM. Recording the identities of the ATMs issuing the respective signals would have also done automatically as noted above. Further reasons to record the identity of the ATM issuing the respective signals would have been to acknowledge which ATMs should be replenished.

Ascertaining whether the signals were issued by an ATM within the subset and if not contacting a law enforcement is not explicitly taught by Hanna et al. Ross discloses such a teaching. It would have been obvious to one of ordinary skill in the art to modify Hanna et al to include the feature of contacting a law enforcement agency as taught by Ross in order to deter tampering with the ATM system. See column 8, lines 14-26 of Ross.

Adjusting the estimate of the currency stored within that ATM in the combined teachings of Hanna et al and Ross would have been obvious to one of ordinary skill in the art to do in most

ATM systems in order to confirm the amount just replenished for inventory and tracking purposes.

As per claim 7, in the combined system of Hanna et al and Ross, a replenishment signal is automatically transmitted to a remote site. Thus, no person directly reports replenishment supply of an ATM.

As per claim 9, in the combined system of Hanna et al and Ross, no communications, made by parties performing the replenishment are utilized in preparing the report.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) (872-9327).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

December 8, 2003


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628